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What is the FDCA?

The **Fair Debt Collection Practices Act (Title 15, Sec. 1692)** requires that debt collectors treat you fairly and prohibits certain methods of debt collection. The law does not erase any legitimate debt you owe.

Prohibited debt collection practices include:

(a) the threat of violence or other criminal means to harm the physical person, reputation, or property of any person (b) the use of obscene or profane language or language which will offend or abuse the hearer or reader (c) causing a telephone to ring or engaging any person in telephone calls without disclosing the caller's identity (d) the use of false or misleading statements. (15 USC 1692d)

Prohibited phone calls

The debt collector may not (a) call the debtor before 8:00am or after 9:00pm unless the debtor expressly approves of calls at those times. (b) call the debtor if the debtor has an attorney, unless the attorney consents, or refuses to talk to the debt collector. (c) call a debtor at work if the debt collector knows that the debtor's employer prohibits such calls. It is important to tell the debt collector that the debtor's employer prohibits such phone calls so that the debt collector knows not to call at work. If a debtor writes to a debt collector and tells them to stop calling, the debt collector must stop calling the debtor.

What must the debt collector tell you about the debt?

A debt collector must provide the following information when communicating with the debtor: (a) amount of the debt owed (b) date the communication was sent to the debtor (c) name of the creditor

to whom the debt is owed (d) statement specifying that unless the consumer disputes the validity of the debt within 30 days, the debt will be assumed to be valid (e) a statement specifying that, if the consumer notifies the collection agency in writing within 30 days after receipt of this notice, that the debt, or any portion of the debt, is disputed, the collection agency shall obtain verification of the debt...and that a copy of the verification or judgment shall be mailed to the consumer by the collection agency (f) The collector must also notify the debtor that they are attempting to collect a debt, and any information they obtain may be used for that purpose (**MCLA 339.918**).

What can you do if you believe a debt collector violated the law?

You may file a complaint with the **Michigan Consumer Protection Division** or sue the collector in a state or federal court within one year from the date the law was violated. If the Michigan court finds that a willful violation has occurred, it may award a civil penalty of not less than 3 times the actual damages, or \$150.00, whichever is greater and shall award reasonable attorney's fees and court costs incurred in connection with the action. For federal court, in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1000.00 (**15 USC 1692k**).

Additional Resources

Federal Trade Commission www.ftc.gov

Consumer Protection Division
1-877-765-8388 www.mich.gov/ag/

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The information presented here is not intended to be a substitute for legal advice or representation. You should talk with an attorney if you have any questions about how this information applies to your own problem or facts.



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